

To: White, Quintin[white.quintin@epa.gov]; Wester, Barbara[wester.barbara@epa.gov]
Cc: Knutson, Jason R - DNR[Jason.Knutson@wisconsin.gov]; Chapman, Barton T - DNR[Barton.Chapman@wisconsin.gov]
From: Nyffeler, Robin T - DNR
Sent: Tue 4/5/2016 6:05:03 PM
Subject: Rule Package 5 - items requiring EPA input

Jason Knutson and I are working on Rule package 5. Jason is the lead on this rule package. We have some questions on the federal regulations. A few of our questions are listed below. We will likely have more in the future. We would like to set up a time to meet with EPA staff. Who can participate in the call to help answer questions on the federal regulations and comments?

Robin

Issue 11: RP

- 1) **Scope of Issue:** Are the comments on Issue 11 limited to 40 CFR 122.44(d)(1) or all of (d)?
- 2) **Reasonable Potential as it relates to narrative criteria:** Does 40 CFR 122.44(d)(1)(i), (v) or (vi) take precedent for reasonable potential to include limits when narrative criteria are exceeded?
- 3) **Fundamentally Different Factors Variances (FDFVs):** Are we required to add language to implement FDFVs? (Note: 40 CFR 122.44(d)(8) “triggers” 40 CFR 125 Subpart D on FDFVs)
- 4) **Types of Pollutants:** What do “nonconventional pollutants” and “chemical pollutants” include? – I will ask our staff for an answer on this as well.

Issue 14: Antibacksliding

- 1) **Relaxation of WQBELs under revised TMDLs:** When, if ever, can WQBELs be relaxed due to a revised TMDL?

-Note: This specifically relates to NR 207.12(3)(b) and (3)(c)3. of our draft code. Sub. (3)(b) is from 33 USC 1313(d)(4)(A), but I am not sure where (3)(c)3. Is from.

Issue 15: Compliance Schedules

- 1) **New Permit or New Discharger?:** Some questions.

2) **7 or 5 years?:** GLI dischargers are allowed 2 years to study tier 2 values and request modification. Does this extend their max schedule length to 7 years, or are the 2 years included in the 5 year max?

Jason

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Jason Knutson
Wastewater Engineer – Water Quality Bureau
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707-7921
Phone: (608) 267-7894
Fax: (608) 267-2800
Jason.Knutson@wisconsin.gov

